



**ZONING ADMINISTRATOR PERMIT
STAFF REPORT
APRIL 6, 2015**

Proposal: **WARM SPRINGS RACEWAY - (PLN2015-00155)** - To consider a Zoning Administrator Permit to allow a remote controlled car race track for private clubs within the parking lot area of Spin-A-Yarn steakhouse located at 45915 Warm Springs Boulevard in the South Fremont Community Plan Area, and to consider a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

Recommendation: Approve, based on findings and subject to conditions.

Location: 45915 Warm Springs Boulevard
APN 519-850-6-6
(See aerial photo next page)

Area: 25,000 square foot area within a 89,920 square foot lot.

People: Daniel Kim, Applicant
Hau Ching Liao, Architect
John Sakkaris, Property Owner
James Willis, Staff Planner (510) 494-4449; jwillis@fremont.gov

General Plan: Innovation Center

Zoning: Warm Springs Innovation District Area 10 (WSI-10)

EXECUTIVE SUMMARY:

The applicant is proposing to construct and operate a recreation facility for private clubs consisting of a remote controlled (R/C) car track within a surplus portion of the parking lot at Spin-A-Yarn restaurant located at 45915 Warm Springs Boulevard. Staff recommends the Zoning Administrator approve the project as shown on Exhibit "A" based on the findings and subject to the conditions of approval contained in Exhibit "B," attached hereto.



Figure 1: Aerial Photo (2009) of Project Site and Surrounding Area.



SURROUNDING LAND USES:

- North: Innovation Center
- South: Innovation Center
- East: Innovation Center
- West: Railroad tracks, Innovation Center beyond

BACKGROUND AND PREVIOUS ACTIONS

The site in question was originally developed in 1955. The commercial building has been occupied by Spin-A-Yarn restaurant since the 1950's. A small portion of the site in the northwest corner is occupied by a wireless telecommunications facility approved by the Planning Commission in 1989 (U-89-9). The portion of the site proposed for the R/C car track was at one time proposed to be a recreational vehicle storage facility.

PROJECT DESCRIPTION

The applicant is proposing to construct and operate an R/C car track facility for use by private clubs in a portion of the rear parking lot of Spin-A-Yarn restaurant located at 45915 Warm Springs Boulevard. The facility would consist of an approximately 16,280 square foot race track which will be fenced by a six foot tall chain link fence. Approximately 9,800 square feet of the facility would be new pavement while the rest would be located on existing pavement within the Spin-A-Yarn restaurant parking lot. The project would result in the removal of 21 parking stalls.

The R/C track facility would operate on Saturdays and Sundays from 8:00 AM to 6:00 PM. The number of participants would range from 25 to 40 people who would be members of local R/C car clubs. No spectators would be present. No structures are proposed to be built, restroom facilities would consist of a portable ADA accessible toilet.

PROJECT ANALYSIS

General Plan Conformance

The General Plan land use designation for the project site is Innovation Center. The Innovation Center is a hybrid mixed-use designation that allows a range of uses, which include industrial, research and development, office and convention, hotels, retail and entertainment, residential, an elementary school and public open space. The allowed uses, and corresponding zoning standards, are set to provide the opportunity for inventive, flexible development for new and expanding businesses. Retail uses are limited and are intended to serve the Innovation Center. The proposed project would be consistent with the following goals, policies and implementation measures contained in the Land Use Chapter of the General Plan:

Land Use Policy 2-3.4: Infill Development

Support infill development on vacant and underutilized land in Fremont's neighborhoods, particularly where there are vacant lots or parcels that create "gaps" in the urban fabric and disrupt the continuity of a neighborhood. Such development should respect the scale and form of surrounding properties.

Analysis: The proposed Warm Springs Raceway would be located at the rear of a developed parcel containing Spin-A-Yarn restaurant. The R/C car facility would occupy a surplus portion of the parking lot and an undeveloped vacant area of the parcel at the rear of the site. The area is predominately industrial in character, the neighboring uses consist of corporation yards and the site is bordered by active freight rail and BART tracks. Beyond the railroad is the Tesla factory.

Policy 2-4.5: Meeting a Range of Needs

Maintain a mix of uses and activities in commercial centers that meet a range of neighborhood and citywide needs. Some centers may be characterized by predominantly retail uses, while others may contain a more varied mix of activities including civic, education, local-serving offices, and group assembly uses.

Analysis: For over 30 years until the recent construction of the Warm Springs BART station there was an outdoor R/C car facility located about a block away at Warm Springs Boulevard and South Grimmer Boulevard. The recent loss of that facility left the local R/C car community looking to replace their venue. The proposed Warm Springs Raceway would provide a permanent home for the local clubs to meet and enjoy their hobby.

Zoning Compliance:

Area 10 of the Warm Springs Innovation District allows recreation uses subject to a Zoning Administrator Permit.

Parking:

The site currently provides 142 parking spaces; the proposed R/C car facility would displace 21 of these spaces for a total of 121 provided parking spaces. The site is currently occupied by Spin-A-Yarn restaurant which measures 6,190 square feet and provides 220 seats. The parking requirement for a restaurant is one space per 3.5 seats plus 10% for employees or ten spaces per thousand square feet, whichever is greater. The following table compares the different parking calculations for the restaurant.

Seats	(220 seats x 3.5) x 10%	69 spaces required
Square Footage	6.190 x 10	62 spaces required

The parking calculation using seats results in a larger parking requirement so that calculation is used. There is no parking requirement equivalent to the proposed use in the Fremont Municipal Code, the applicants are proposing up to 40 participants at their events so a reasonable parking requirement would be up to 40 parking spaces.

Use	Required parking spaces	Provided parking spaces
Restaurant	69 spaces	
R/C car facility	40 spaces	
Total spaces	109 spaces	121 spaces
		+12 spaces

The site provides 12 additional parking spaces above what is required by Section 18.183.030 of the Fremont Municipal Code. The applicant also proposes to convert one parking space adjacent to the R/C car facility to a van accessible ADA parking space.

FINDINGS FOR APPROVAL

Pursuant to FMC Section 18.275.060, in order to approve a Zoning Administrator Permit, the Zoning Administrator must make the following findings:

- (a) The proposed use is consistent with the general plan and any applicable community or specific plan;

Analysis: The Innovation Center General Plan land use designation allows entertainment uses in addition to industrial, R&D, residential and various commercial uses. Area 10 of the Warm Springs Innovation District allows recreation uses subject to a Zoning Administrator Permit.

- (b) The site is physically suitable for the type, density, and intensity of the proposed use;

Analysis: The proposed use would operate at the rear of the lot away from the public right of way in a predominantly industrial neighborhood. The site has sufficient parking for the proposed use as well as the existing restaurant use.

- (c) The design, location, size, and operating characteristics of the proposed use are compatible with development in the vicinity;

Analysis: The site is surrounded by industrial uses and is directly adjacent to active rail lines including the new BART expansion currently under construction. The proposed use would operate only on weekends between the hours of 8:00 AM and 6:00 PM.

- (d) The proposed use will not be detrimental to the public health, safety, or welfare of persons or property in the vicinity.

Analysis: The R/C car facility would be open to organized clubs and proposed conditions of approval would place limits on the hours of operation, number of participants and require the operators to provide for participants' needs such as restrooms and trash collection. The surrounding industrial neighborhood is acclimated to noise which may emanate from the site during races.

CITY FEES

This project would not be subject to citywide development impact fees because the facility would be used occasionally and no permanent structures are proposed.

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

PUBLIC NOTICE AND COMMENT

Public hearing notification is applicable for the entitlements being requested. A total of 113 hearing notices were mailed to all owners and occupants of property within 300 square feet of the site. The hearing notices were mailed on March 24, 2015. A Public Hearing Notice was also published by *The Argus* on this same date.

RECOMMENDATION

1. Hold public hearing;
2. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures because only 9,800 square feet of pavement and no permanent structures are proposed;
3. Find PLN2015-00155, a Zoning Administrator Permit for a remote controlled car race track facility, is in conformance with the relevant provisions contained in the City's existing General Plan;
4. Approve PLN2015-00155, as shown on Exhibit "A," subject to findings and conditions in Exhibit "B."

ENCLOSURES

- [Exhibit A - Project Plans](#)
- [Exhibit B - Findings and Conditions of Approval](#)
- [Informational 1 – Applicant’s Statement](#)

Existing Zoning Shaded Area represents the Project Site



Existing General Plan Shaded Area represents the Project Site

